

**UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK**

CITYLIGHTS DISTRIBUTION, LLC,

Plaintiff,

v.

FANX, INC. d/b/a GAMEDAY VR,

Defendant.

Case No.: 1:23-cv-8397-VEC

**DECLARATION IN SUPPORT OF
REQUEST FOR CLERK'S
CERTIFICATE OF DEFAULT**

I, Philip M. Smith, declare:

1. I am a member of Kravit Smith LLP, counsel to Plaintiff CityLights Distribution, LLC. I make this declaration in support of Plaintiff's request for a Clerk's Certificate of Defendant's default pursuant to Local Rule 55.1.

2. The Defendant FanX, Inc. is a corporation and is not an infant, in the military, or an incompetent person.

3. Defendant FanX, Inc. has failed to plead or otherwise defend the action.

4. The Summons and Complaint to which Defendant FanX, Inc. has failed to respond was properly served personally on its Chief Executive Officer on October 5, 2023 (Dkt. No. 7).

I declare under penalty of perjury that the foregoing is true and correct.

Executed on November 17, 2023

/s/ Philip M. Smith
Philip M. Smith